

scheduled to be held in Washington, DC, on August 17 and 18, 1995. This hearing will focus exclusively on the APHIS pest risk assessment documents upon which the proposed rule is based, and will provide an opportunity for experts in relevant disciplines to present their views on those documents and the scientific issues raised by them.

The APHIS pest risk assessment documents upon which the proposed rule is based identify the plant pest risks associated with the importation of Hass avocados grown in approved orchards in approved municipalities in Michoacan, Mexico, discuss the mitigation measures identified as reasonable and necessary to prevent the introduction of plant pests into the United States, and contain a quantitative risk analysis examining the likelihood of plant pest introduction into the United States if Hass avocados are allowed to be imported under the conditions described in the proposed rule.

Participation in the Washington, DC, hearing will be limited to those who register and who identify themselves as having expertise in the areas of pest risk assessment and mitigation measures. Experts wishing to participate will be asked to furnish for the record their educational background and their expertise and qualifications relevant to pest risk assessment and mitigation measures. Such experts include scientists, technical experts, and academicians expert in entomology, plant health, plant pathology, risk assessment, and risk mitigation. Federal, State, and local officials, growers, and handlers who have experience with risk assessment, plant protection, quarantine, or risk mitigation measures will also be welcome to participate in this first public hearing.

Presenters are welcome to register as a panel if they believe a panel of experts from several fields would foster a more complete discussion and evaluation of issues related to the pest risk assessment underlying this proposal.

#### **Additional Public Hearings**

Four additional hearings will be held during the period between August 22, 1995, and August 31, 1995, to address all aspects of this proposed rule. These four public hearings are scheduled to be held in Flushing, NY, on August 22, 1995; Homestead, FL, on August 23, 1995; Chicago, IL, on August 28, 1995; and Escondido, CA, on August 30 and 31, 1995.

Any interested party may appear and be heard in person, or through an attorney or other representative. We are interested in obtaining the views of the

public on all aspects of the proposed rule, including the APHIS pest risk assessment documents and the conclusions contained therein.

#### **General Information Applicable to All Five Public Hearings**

The APHIS pest risk assessment documents upon which the proposed rule is based are available. Parties interested in receiving copies may obtain them by contacting APHIS' Legislative and Public Affairs Staff at (301) 734-3256 or by writing to Legislative and Public Affairs, 4700 River Road Unit 51, Riverdale, Maryland 20737-1232. Copies of the risk assessment documents will be available at each of the scheduled public hearings.

Persons who wish to speak at the hearings will be asked to provide their names and their affiliations. Those who wish to form a panel to present their views will be asked to provide the name of each member of the panel and the organizations the panel members represent. Parties wishing to make oral presentations may register in advance by calling the Regulatory Analysis and Development voice mail at (301) 734-4346 and leaving a message stating their name, telephone number, organization, and location of the hearing at which they wish to speak. If a party is registering for a panel, the party will also be asked to provide the name of each member of the panel and the organization each panel member represents.

The hearings will begin at 9 a.m. and are scheduled to end at 5 p.m. each day. The Washington, DC, and Escondido, CA, hearings may conclude at any time on the second day if all persons who have registered to participate have been heard. Similarly, the other three hearings may conclude earlier than 5 p.m. if all persons who have registered have been heard. The presiding officer may extend the time of any hearing or limit the time for each presentation so that everyone is accommodated and all interested persons appearing on the scheduled dates have an opportunity to participate.

Registration for each hearing may be accomplished in advance in accordance with the above-described instructions, or by registering with the presiding officer between 8:30 a.m. and 9 a.m. on any hearing day.

A representative of APHIS will preside at each public hearing. Written statements are encouraged, but not required. Any written statement submitted will be made part of the record of the public hearing. Anyone who reads a written statement should

provide two copies to the presiding officer at the hearing. A transcript will be made of each public hearing and the transcript will be placed in the rulemaking record and will be available for public inspection.

The purpose of these public hearings is to give all interested parties an opportunity to present data, views, and information to the Department concerning this proposed rule. Questions about the content of the proposal may be part of a commenter's oral presentation. However, neither the presiding officer nor any other representative of the Department will respond to the comments at the hearing, except to clarify or explain the proposed rule and the documents upon which the proposal is based.

Done in Washington, DC, this 31st day of July 1995.

**Lonnie J. King,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 95-19183 Filed 8-3-95; 8:45 am]

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## **9 CFR Part 94**

[Docket No. 95-050-1]

### **Uruguay; Change in Disease Status**

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** We are proposing to declare Uruguay free of rinderpest and foot-and-mouth disease. As part of this proposed action, we would add Uruguay to the list of countries that, although declared free of rinderpest and foot-and-mouth disease, are subject to restrictions on meat and other animal products offered for importation into the United States. Declaring Uruguay free of rinderpest and foot-and-mouth disease appears to be appropriate because the last outbreak of foot-and-mouth disease in Uruguay occurred in 1989, there have been no vaccinations for foot-and-mouth disease in Uruguay since June 1994, and rinderpest has never existed in Uruguay. This proposed rule would remove the prohibition on the importation into the United States, from Uruguay, of ruminants and fresh, chilled, and frozen meat of ruminants, although those importations would be subject to certain restrictions. This proposed rule would also relieve certain prohibitions and restrictions on the importation, from Uruguay, of milk and milk products of ruminants.

**DATES:** Consideration will be given only to comments received on or before October 3, 1995.

**ADDRESSES:** Please send an original and three copies of your comments to Docket No. 95-050-1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comments refer to Docket No. 95-050-1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690-2817 to facilitate entry into the comment reading room.

**FOR FURTHER INFORMATION CONTACT:** Dr. John Blackwell, Senior Staff Microbiologist, Import-Export Products, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 40, Riverdale, MD 20737-1231, (301) 734-5875.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

The regulations in 9 CFR part 94 (referred to below as the regulations) govern the importation into the United States of specified animals and animal products in order to prevent the introduction into the United States of various animal diseases, including rinderpest and foot-and-mouth disease (FMD). Rinderpest and FMD are dangerous and destructive communicable diseases of ruminants and swine.

Section 94.1(a)(1) of the regulations provides that rinderpest or FMD exists in all countries of the world except those listed in § 94.1(a)(2), which have been declared to be free of both diseases. We will consider declaring a country free of rinderpest and FMD if, among other things, there have been no reported cases of the diseases in that country for at least the previous 1-year period and if no vaccinations for rinderpest or FMD have been administered to ruminants or swine in that country for at least the previous 1-year period.

The last outbreak of FMD in Uruguay occurred in 1989. There have been no vaccinations for FMD in Uruguay since June 1994. Rinderpest has never existed in Uruguay. Based on these considerations, the government of Uruguay has requested that the United States Department of Agriculture (USDA) declare Uruguay free of rinderpest and FMD.

The Animal and Plant Health Inspection Service (APHIS) reviewed the documentation submitted by the government of Uruguay in support of its request, and a team of APHIS officials traveled to Uruguay in 1994 to conduct an on-site evaluation of the country's animal health program with regard to the rinderpest and FMD situation in Uruguay. The evaluation consisted of a review of Uruguay's veterinary services, diagnostic procedures, vaccination practices, and administration of laws and regulations intended to prevent the introduction of rinderpest and FMD into Uruguay through the importation of animals, meat, or animal products. The APHIS officials conducting the on-site evaluation concluded that Uruguay is free of rinderpest and FMD. (Details concerning the on-site evaluation are available, upon written request, from the person listed under **FOR FURTHER INFORMATION CONTACT.**)

Based on the information discussed above, we are proposing to amend § 94.1(a)(2) by adding Uruguay to the list of countries declared to be free of both rinderpest and FMD. This proposed action would remove the prohibition on the importation, from Uruguay, of ruminants and fresh, chilled, and frozen meat of ruminants, and would relieve restrictions on the importation, from Uruguay, of milk and milk products of ruminants. However, because Uruguay has not been declared free of hog cholera, the importation into the United States, from Uruguay, of pork and pork products would continue to be restricted under § 94.9 of the regulations, and the importation of swine from Uruguay would continue to be restricted under § 94.10. Also, for the reasons discussed below, we would make the importation of meat and other animal products of ruminants or swine from Uruguay subject to the restrictions in § 94.11.

We are proposing to amend § 94.11(a) by adding Uruguay to the list of countries that have been declared free of rinderpest and FMD but from which the importation of meat and other animal products is restricted. The countries listed in § 94.11(a) are subject to these restrictions because they: (1) Supplement their national meat supply by importing fresh, chilled, or frozen meat of ruminants or swine from countries that are designated in § 94.1(a) as infected with rinderpest or FMD; (2) have a common land border with a country designated as infected with rinderpest or FMD; or (3) import ruminants or swine from countries designated as infected with rinderpest or FMD under conditions less restrictive

than would be acceptable for importation into the United States.

Uruguay supplements its national meat supply by importing fresh, chilled and frozen meat of ruminants and swine from countries designated in § 94.1(a)(1) as countries in which rinderpest or FMD exists. In addition, Uruguay has common land borders with Brazil and Argentina, which are both designated in § 94.1(a)(1) as countries in which rinderpest or FMD exists. As a result, although Uruguay appears to qualify for designation as a country free of rinderpest and FMD, there is the potential that meat or other animal products produced in Uruguay may be commingled with the fresh, chilled, or frozen meat of animals from a country in which rinderpest or FMD exists. This potential for commingling constitutes an undue risk of introducing rinderpest or FMD into the United States.

Therefore, we are proposing that meat and other animal products of ruminants or swine, as well as the ship stores, airplane meals, or baggage containing such meat or other animal products, originating in Uruguay be subject to the restrictions specified in § 94.11 of the regulations and to the applicable requirements contained in the regulations of the USDA's Food Safety and Inspection Service at 9 CFR chapter III. Section 94.11 generally requires that the meat and other animal products of ruminants or swine be: (1) Prepared in an inspected establishment that is eligible to have its products imported into the United States under the Federal Meat Inspection Act; and (2) accompanied by an additional certification from a full-time salaried veterinary official of the national government of the exporting country stating, among other things, that the meat or other animal product has not been commingled with or exposed to meat or other animal products originating in, imported from, or transported through a country infected with rinderpest or FMD.

##### **Executive Order 12866 and Regulatory Flexibility Act**

This proposed rule has been reviewed under Executive order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

This proposed rule, if adopted, would amend the regulations in part 94 by adding Uruguay to the list of countries declared to be free of rinderpest and FMD. This action would remove the prohibition on the importation into the United States, from Uruguay, of ruminants and fresh, chilled, and frozen meat of ruminants, although those

imports would be subject to certain restrictions.

The proposed revision would also relieve restrictions on the importation, from Uruguay, of milk and milk products of ruminants. This action would not relieve certain restrictions on the importation of live swine and fresh, chilled, and frozen meat of swine from Uruguay because Uruguay is still considered to be affected with hog cholera.

The primary effects of the proposed change in the regulations would be to bovine meat and prepared products. Swine and swine products are excluded because of restrictions due to hog cholera, and the United States has not imported any mutton, lamb, or goat meat from Uruguay in the last 2 years. This situation is not expected to change as a result of the proposed rule.

This proposed rule is not expected to affect United States imports of miscellaneous animal products from Uruguay, including embryos, semen, breeding animals, and other products.

The increase in beef imports resulting from the proposed regulation change is expected to have a minimal negative impact on producers, while benefitting consumers.

Uruguayan beef production is made up mostly of grass-fed product. These animals take longer to reach slaughter weights and are lighter at slaughter than grain-fed cattle. As a result, although Uruguayan cattle inventories (10.4 million at the end of 1994) are about 10 percent of United States cattle inventories (103.3 million on January 1, 1995), Uruguayan beef production runs at only 2 to 4 percent of United States production. Uruguay currently exports one third of its beef production. However, Uruguay is not expected to exceed the 20,000 metric ton (MT) tariff-free quota limit for exports of beef into the United States established under the General Agreement on Tariffs and Trade (GATT).

Twenty-two percent of United States beef consumption goes into "non table-cut" applications, such as fast-food hamburgers and other prepared meats; 78 percent of United States beef consumption goes into consumer applications, such as steak and filet mignon, that require beef produced from grain-fed cattle. (Beef produced in the United States comes predominantly from grain-fed cattle and is used for higher-quality table-cuts.) Most of the beef exported from Uruguay is produced from grass-fed cattle and is suitable for lower-quality, non table-cut applications. However, select cuts of beef from grass-fed cattle may be of the same quality as cuts from grain-fed

cattle. For the most part, beef exports from Uruguay would affect the market for non table-cut beef in the United States.

Beef and dairy farms and feedlot operators would experience the greatest impact as a result of the proposed rule. According to Small Business Administration (SBA) criteria, beef and dairy farms with annual sales of less than \$0.5 million are considered small. In 1992, 801,940 operations with beef cows were considered small. These small farms averaged sales of \$20,976 in 1992, as opposed to average sales of \$1.3 million on large farms.

Recent USDA data indicated that 152,500 dairy farms were considered small. In addition to the sale of dairy products, the sale of culled dairy cattle and young stock not retained for milking or breeding contributed to dairy farm income. In the worst case scenario, the proposed rule would produce a drop in net farm income of \$15 on small beef farms and \$83 on small dairy farms when imports were assumed to consist of beef from grass-fed cattle.

With regards to the sale of dairy products, the Department does not anticipate a major increase in exports of milk and milk products from Uruguay into the United States as a result of this proposed rule. Only about 10 percent of Uruguay's cow herd is made up of dairy cows, and it is expected that the increase in beef cattle returns will not significantly alter this situation. In addition, all dairy products imported into the United States are restricted by quotas except for casein, caseinate, and other casein derivatives (hereafter referred to as casein), which are dry milk products. The United States does not produce casein, but does import more than half of the casein produced in the world. Uruguay has not exported casein to the United States in recent years. Declaring Uruguay free of FMD is expected to have a minimal effect on the amount of casein imported into the United States.

According to the SBA, feedlots with sales of less than \$1.5 million are considered small. Recent USDA data indicate that 30 percent of feedlots in the United States are considered small. In the worst case scenario, the proposed rule would produce a loss of \$30 per year in gross sales for a small feedlot.

The impact of the proposed rule on cattle dealers/haulers and cattle slaughterers/primary processors would be minimal because the reduction in the number of cattle marketed and the number of truck hauls required to move them would be very small in relation to the current numbers.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

#### **Executive Order 12778**

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

#### **Paperwork Reduction Act**

This proposed rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

#### **List of Subjects in 9 CFR Part 94**

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, 9 CFR part 94 would be amended as follows:

#### **PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), VELOGENIC VISCEROTROPIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, HOG CHOLERA, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS**

1. The authority citation for part 94 would continue to read as follows:

**Authority:** 7 U.S.C. 147a, 150ee, 161, 162, and 450; 19 U.S.C. 1306; 21 U.S.C. 111, 114a, 134a, 134b, 134c, 134f, 136, and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331, 4332; 7 CFR 2.17, 2.51, and 371.2(d).

##### **§ 94.1 [Amended]**

2. In § 94.1, paragraph (a)(2) would be amended by removing "and Trust Territory of the Pacific Islands." and adding "Trust Territory of the Pacific Islands, and Uruguay." in its place.

##### **§ 94.11 [Amended]**

5. In § 94.11, paragraph (a), the first sentence would be amended by removing "and Switzerland," and adding "Switzerland, and Uruguay," in its place.

Done in Washington, DC, this 31st day of July, 1995.

**Lonnie J. King,**

*Administrator, Animal and Plant Health Inspection Service.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 95-AGL-8]

#### Revision of Class E Airspace; Rice Lake, WI

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to revise Class E airspace to accommodate a Nondirectional Radio Beacon (NDB) for runway 19 approach at Rice Lake Municipal Airport, Rice Lake, WI. Controlled airspace extending upward from 700 to 1200 feet above ground level (AGL) is needed for aircraft executing the approach. The intended effect of this proposal is to provide segregation of aircraft using instrument approach procedures in instrument conditions from other aircraft operating in visual weather conditions.

**DATES:** Comments must be received on or before September 11, 1995.

**ADDRESSES:** Send comments on the proposal in triplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, AGL-7, Rules Docket No. 95-AGL-8, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket may be examined in the Office of the Assistant Chief Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois. An informal docket may also be examined during normal business hours at the Air Traffic Division, System Management Branch, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

**FOR FURTHER INFORMATION CONTACT:** Jeffrey L. Griffith, Air Traffic Division, System Management Branch, AGL-530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (708) 294-7568.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views,

or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regularly decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made:

"Comments to Airspace Docket No. 95-AGL-8." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket, FAA, Great Lakes Region, Office of the Assistant Chief Counsel, 2300 East Devon Avenue, Des Plaines, Illinois, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

##### Availability of NPRM's

Any person may obtain a copy of the Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-230, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A, which describes the application procedure.

##### The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to revise Class E airspace to accommodate a Nondirectional Radio Beacon (NDB) for runway 19 approach at Rice Lake Municipal Airport, Rice Lake, WI. Controlled airspace extending from 700 to 1200 feet AGL is needed for aircraft executing the approach. The intended affect of this action is to provide

segregation of aircraft using instrument approach procedures in instrument conditions from other aircraft operating in visual weather conditions. The area would be depicted on appropriate aeronautical charts thereby enabling pilots to circumnavigate the area or otherwise comply with IFR procedures. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9B dated July 18, 1994, and effective September 16, 1994, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

##### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

##### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

##### PART 71—[AMENDED]

1. The authority citation for part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40102, E.O. 10854, 24 FR 9565, 3 CFR 1959-1963 Comp., p. 389; 14 CFR 11.69.

##### §71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9B, Airspace Designations and Reporting Points, dated July 18, 1994, and effective September 16, 1994, is amended as follows: